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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,690	06/07/2001	Brian Collamore	US010390	8205

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EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/876,690

Applicant(s)

COLLAMORE ET AL.

Examiner

Mike Tomaszewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the amendment filed on 1/25/07. Claims 1, 7 and 13 have been amended. Claims 1-4, 6-10, 12-16, and 18-23 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 7-8, 10, 12-14, 16, 18 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Judd et al.* (US 2002/0087503; hereinafter *Judd*) and in view of Official Notice.

- (A) As per currently amended claim 1, *Judd* discloses a medical information management system, comprising:

- (1) an information acquisition device (*Judd*: par. [0065]; Fig. 2);
- (2) a computer coupled to the information acquisition device, the computer including logic for receiving information from the information acquisition device, for setting a reconsider flag to indicate that new information is available for informing a user of arrival of the new information a study to which the new information corresponds (*Judd*: par. [0067]; Figs. 2-3); and
- (3) a memory element associated with the computer, where the memory element stores the information and associates the information with the study (*Judd*: par. [0075], [0077] and [0078]).

Judd, however, fails to expressly disclose a medical information management system, comprising:

- (4) a computer coupled to the information acquisition device, for not setting a the reconsider flag if the study is unread even when the new information is available.

Nevertheless, Examiner takes Official Notice that this technique is notoriously well known and obvious. For example, Microsoft Outlook® uses an assortment of “flagging” techniques to indicate various status alerts pertaining to new information and associated tasks to perform. Moreover, these techniques were developed and used

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prior to Applicant's invention to allow a user to more effectively manage material to be read.

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of Official Notice with the teachings of *Judd* with the motivation of providing an effective means of notifying pertinent parties on the status of information.

(B) As per original claim 2, *Judd* discloses the medical information management system of claim 1, wherein the information includes medical image information (*Judd*: par. [0035]).

Examiner has noted insofar as claim 2 recites "at least one of ultrasound image information, medical image information, patient measurements, calculations, findings, comments, waveforms, chart records, audio recordings, Doppler audio, Doppler flow sounds or heart sounds, Doppler audio, and a medical study report," medical image information has been recited.

(C) Claims 7-8, 10 and 12 substantially repeat the same limitations of claims 1-4, and 6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

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(D) Claims 13-14, 16 and 18 substantially repeat the same limitations of claims 1-4, 7, and 6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

(E) As per currently amended claim 22, *Judd* discloses the program of claim 13, further comprising logic for informing the user of arrival of the new information when the user is reviewing the study to which the new information corresponds (*Judd*: par. [0067]; Figs. 2-3).

Examiner also notes that the technique of using conditional flags to indicate something, such as whether information has been read or has not been read and/or a certain condition has arisen is notoriously well known and obvious. For example, common email applications provide various flags to indicate whether and email has been read or unread, deleted, and sent, etc.

(F) As per currently amended claim 23, *Judd* discloses the method of claim 7, further comprising the act of informing the user of arrival of the new information when the user is reviewing the study to which the new information corresponds (*Judd*: par. [0067], Figs. 2-3).

Examiner also notes that the technique of using conditional flags to indicate something, such as whether information has been read or has not been read and/or a certain condition has arisen is notoriously well known and obvious. For example,

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common email applications provide various flags to indicate whether and email has been read or unread, deleted, and sent, etc.

4. Claims 3-4, 6, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Judd* and Official Notice, as applied to claims 1, 7 and 13 above, and further in view of *Rapaport et al.* (6,192,112; hereinafter *Rapaport*).

(A) As per previously presented claim 3, *Judd* fails to expressly disclose the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and the reconsider flag is used to indicate to said user of the medical information management system that the new information has been associated with the study.

Nevertheless, these features are old and well known in the art, as evidenced by *Rapaport*. In particular, *Rapaport* discloses the medical information management system of claim 2, further comprising a database, where the database includes a plurality of flags, and the reconsider flag is used to indicate to a user of the medical information management system that the new information has been associated with the study (*Rapaport*: col. 28, lines 40-col. 29, line 3) (Examiner also notes that *Judd* teaches the use of e-mail notification to indicate new information is available and provides hyper-links (i.e., flags) within the email to the new information.).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of *Rapaport* with the teachings of *Judd* with the motivation of providing effective and timely communication of medical information to pertinent parties; and to provide efficient medical information management (*Rapaport*: col. 1, lines 52-col. 2, line 5).

(B) As per previously presented claim 4, *Judd* discloses the medical information management system of claim 3, further comprising a client application, the client application further comprising a user interface configured to present to the user of the medical information management system an indication that the new information has been associated with the study (*Judd*: par. [0023] – [0026]; [0067]; Fig. 1, 13).

(C) As per previously presented claim 6, *Judd* discloses the medical information management system of claim 4, where the client application informs the user of the arrival of further new information pertaining to a further study that the user is not reviewing (*Judd*: par. [0023] – [0026]; par. [0067]; Fig. 1, 13).

(D) Claims 9 and 15 substantially repeat the same limitations of claims 1-4, 7, and 6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

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5. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Judd* and Official Notice, as applied to claims 1, 7 and 13 above, and further in view of *Myers et al.* (5,832,450; hereinafter *Myers*).

(A) As per previously presented claim 19, *Judd* fails to expressly disclose the medical information management system of claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study.

Nevertheless, these features are old and well known in the art, as evidenced by *Myers*. In particular, *Myers* discloses the medical information management system of claim 1, wherein the computer is configured to inform the user of the arrival of the new information in response to addition of the new information to the study (*Myers*: col. 2, lines 35-39).

One of ordinary skill in the art would have found it obvious at the time of the invention to combine the teachings of *Myers* with the combined teachings of *Judd* and Official Notice with the motivation of providing an efficient medical record system (*Myers*: col. 2, lines 35-39).

(B) Claims 20 and 21 substantially repeat the same limitations of claim 19 and therefore, are rejected for the same reasons given for claim 19 and incorporated herein.

Response to Arguments

6. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



**C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600**